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PTO/SB/64 (10-05)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
KATA-188

First named inventor: Kazuhiko OHNISHI et al.

Application No.: 10/761,400

Art Unit: 1711

Filed: January 22, 2004

Examiner: Irina S. Zemel

Title: CURABLE STARCH COMPOSITION, MODIFIED STARCH, PREPARATION
METHOD AND ARTICLES

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

10/04/2006 HDEMESS1 00000079 10761400

01 FC:1453 1500.00 OP
02 FC:1461 140.00 OP

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,640.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment Electing Invention (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Date

Virgil H. Marsh

23,083

Typed or printed name

Registration Number, if applicable

Fisher, Christen & Sabol

202-659-2000

Address

Telephone Number

1725 K Street, NW Suite 1106
Washington, DC 20006

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay
(3 declarations) Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

 Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.
09/29/2006

Date

Signature

Leslie Stepney

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: KATA-188

Applicants : Kazuhiko Ohnishi et al.

Serial No. : 10/761,400

Filed : January 22, 2004

Title : CURABLE STARCH COMPOSITION, MODIFIED STARCH,
PREPARATION METHOD AND ARTICLES

Declaration

Commissioner for Patents

Mail Stop: PETITION

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Virgil H. Marsh, hereby declare the following:

1. I am a partner at Fisher, Christen & Sabol.
2. For U.S. Serial No. 10/761,400, in response to the Office Action of August 29, 2005 (response due by September 29, 2005), I prepared an amendment electing invention and species. I thought the amendment had been filed, however, it inadvertently had not been filed.
3. I signed a letter (dated September 21, 2005) to the client stating that the amendment had been filed.
4. After receiving the Notice of Abandonment, when reviewing the file, I noticed that only an unsigned copy of the amendment was in the file. I have been unable to locate any postcard receipt or other paper from the Patent Office indicating that the amendment had been filed/received.

I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and beliefs are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sept. 29, 2006

Date

Virgil H. Marsh

Virgil H. Marsh

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1725 K Street, N.W.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kazuhiko OHNISHI et al. Docket: KATA-188
Serial No. : 10/761,400 Prior Art Unit: 1711
Filed : January 22, 2004 Primary Examiner: Irina S. Zemel
Title : CURABLE STARCH COMPOSITION, MODIFIED STARCH,
PREPARATION METHOD AND ARTICLES

Commissioner for Patents
Mail Stop: PETITION
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration

Sir:

I, Kara M. Armstrong, hereby declare the following:

1. From April 2005 Through May 2006, I was the docketing clerk for Fisher, Christen & Sabol.
2. For U.S. Serial No. 10/761,400, I entered into the docketing system that the Office Action dated August 29, 2005 had been received, and that the responsive amendment (with election of invention) was due on September 29, 2005.
3. The docketing system was such that a document or other written item was supplied to me that stated or indicated that an amendment had been filed (or other appropriate action taken).
4. On September 29, 2005, or shortly thereafter, I entered into the docketing system that the responsive amendment had been filed by September 29, 2005.

BEST AVAILABLE COPY

I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and beliefs are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/30/06
Date

Kara M. Armstrong
Kara M. Armstrong
Reg. No. 38,234

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: KATA-188

Applicants : Kazuhiko Ohnishi et al.

Serial No. : 10/761,400

Filed : January 22, 2004

Title : CURABLE STARCH COMPOSITION, MODIFIED STARCH,
PREPARATION METHOD AND ARTICLES

Declaration

Commissioner for Patents

Mail Stop: PETITION

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Leslie Stepney, hereby declare the following:

1. I am employed by Fisher, Christen & Sabol in the capacity of Legal Secretary since April, 2005.
2. For U.S. Serial No. 10/761,400, on September 21, 2005, I prepared a letter to the client stating that the responsive amendment was filed.

I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and beliefs are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/31/06
Date


Leslie Stepney

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